

106TH CONGRESS
2D SESSION

S. 2991

To amend title 18, United States Code, to expand the prohibition on stalking,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2000

Mr. ABRAHAM introduced the following bill; which was read twice and referred
to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to expand the
prohibition on stalking, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Just Punishment for
5 Cyberstalkers Act of 2000”.

6 **SEC. 2. PROHIBITION ON USE OF INSTRUMENTALITIES OF**
7 **INTERSTATE OF FOREIGN COMMERCE FOR**
8 **CYBERSTALKING.**

9 (a) INTERSTATE STALKING.—Section 2261A of title
10 18, United States Code, is amended to read as follows:

1 **“§ 2261A. Interstate stalking**

2 “Whoever—

3 “(1) travels across a State line or within the
4 special maritime and territorial jurisdiction of the
5 United States with the intent to injure or harass an-
6 other person, and in the course of, or as a result of,
7 such travel places that person in reasonable fear of
8 the death of, or serious bodily injury (as defined in
9 section 2119(2)) to, that person or a member of the
10 immediate family (as defined in section 115) of that
11 person; or

12 “(2) with the intent to kill or injure a person
13 in another State or to place a person in another
14 State in reasonable fear of death or serious bodily
15 injury (as defined in section 2119(2)), uses or
16 causes another to use the mail or any facility of
17 interstate or foreign commerce to engage in a course
18 of conduct that places that person in reasonable fear
19 of the death of, or serious bodily injury to—

20 “(A) that person;

21 “(B) a member of the immediate family
22 (as defined in section 115) of that person; or

23 “(C) a spouse or intimate partner of that
24 person;

25 shall be punished as provided in section 2261(b).”.

1 (b) DEFINITION.—Section 2266 of title 18, United
2 States Code, is amended, in the fourth undesignated para-
3 graph, by striking subparagraphs (A) and (B) and insert-
4 ing the following:

5 “(A)(i) for purposes of sections other than
6 2261A, a spouse, a former spouse, a person who
7 shares a child in common with the abuser, and a
8 person who cohabits or has cohabited with the
9 abuser as a spouse; and

10 “(ii) for purposes of section 2261A, a spouse or
11 a former spouse of the target of the stalking, a per-
12 son who shares a child in common with the target
13 of the stalking, and a person who cohabits or has
14 cohabited with the target of the stalking; and

15 “(B) any person similarly situated to a spouse
16 who is protected by the domestic or family violence
17 laws of the State in which the injury occurred or
18 where the victim resides.”.

19 (c) AMENDMENT OF FEDERAL SENTENCING GUIDE-
20 LINES.—

21 (1) IN GENERAL.—Pursuant to its authority
22 under section 994 of title 28, United States Code,
23 the United States Sentencing Commission shall
24 amend the Federal Sentencing Guidelines to reflect
25 the amendments made by this section.

1 (2) FACTORS FOR CONSIDERATION.—In car-
2 rying out paragraph (1), the Commission shall
3 consider—

4 (A) whether the Federal Sentencing Guide-
5 lines relating to stalking offenses should be
6 modified to ensure that, if a stalking offense in-
7 volves conduct that would be covered by another
8 Federal Sentencing Guideline (relating to Of-
9 fenses Against the Person) if the conduct oc-
10 curred within the special maritime and terri-
11 torial jurisdiction of the United States, and the
12 application of such other Guideline to the con-
13 duct would result in a greater offense level,
14 such other Guideline is applied to the conduct,
15 regardless of whether the conduct occurred
16 within the special maritime and territorial juris-
17 diction of the United States;

18 (B) whether the single 2-level enhancement
19 for a pattern of stalking, combined with the
20 suggestion in the commentary of an upward de-
21 parture for egregious cases, adequately captures
22 gradations of intensity and seriousness of stalk-
23 ing, or whether the Federal Sentencing Guide-
24 lines should be modified to contain a more pre-
25 cise directive keyed to the number, frequency,

1 severity, or acceleration in intensity or severity
2 of incidents of stalking; and

3 (C) whether the Federal Sentencing Guide-
4 lines should be modified to provide that a stalk-
5 er who both threatens and attacks a victim is
6 punished for both actions.

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